IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Koji Yamaya, et al.

Examiner:

Matthew John Kasztejna

Serial No:

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Art Unit:

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For:

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Dated:

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Pursuant to the restriction requirement imposed in the Official Action dated July 9, 2008, Applicants elect the claims of Group I, i.e., claims 6, 7, 9 and 10 for continued prosecution herein.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website on the date set forth below.

Dated: August 11, 2008

Thomas Spinelli)

Claims 6-7 and 9-13 are present in the above-captioned application and have

been subjected to restriction under 35 U.S.C. § 121. Specifically, the Official Action avers

that the following inventions are present in the claims:

Group I, Claims 6, 7, 9 and 10, drawn to an endoscope apparatus comprising

first and second channel, an observation system and first and second treatment-too; oscillating

bases, classified in class 600, subclass 107; and

Group II, Claims 11-13, drawn to a method for guiding first and second

treatment tools in an endoscope apparatus wherein the tools are projected approximately the

same predetermined length, classified in class 604, subclass 500.

It is the Examiner's position that the inventions listed as Groups I and II are

distinct from each other.

In response to the Examiner's requirement for restriction, Applicants elect to

prosecute the subject matter of Group I, claims 6, 7, 9 and 10. However, Applicants reserve

the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-

elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at

an early date, is earnestly solicited.

Respectfully submitted,

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